

CITY COUNCIL AGENDA

REGULAR MEETING

WEDNESDAY, DECEMBER 17, 1997

Morgan Hill Civic Center	Mayor	Dennis Kennedy
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Council Chambers 17555 Peak Avenue Morgan Hill, California 95037	Mayor Pro Tempore Councilmember Councilmember Councilmember	Bev E. Freeman Hedy L. Chang Cynthia J. Cook J. Robert Foster
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OPPORTUNITY FOR PUBLIC COMMENT

6:30 P.M.

CLOSED SESSION:

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

Legal Authority:	Government Code Section 54956.8
Property:	APN #728-16-043, Northeast Corner of Dunne & Murphy, 2.2 acres
Negotiating Parties:	Property Owners: John Agresta; John Falcocchia; Lou Falcocchia; Commonwealth Land & Title Co. City of Morgan Hill: Jim Ashcraft; Richard Hoffman
Under Negotiation:	Price and Terms of Payment

7:00 P.M.

CALL TO ORDER
(Mayor Kennedy)

ROLL CALL ATTENDANCE
(City Clerk Torrez)

DECLARATION OF POSTING OF AGENDA
Per Government Code 54954.2
(City Clerk Torrez)

SILENT INVOCATION

PUBLIC SERVICE ANNOUNCEMENT

Eric Hilding

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

Curtis Banks
Senior Planner

Melinda Rojas
Police Officer

CITY COUNCIL REPORT

Mayor Kennedy
SCRWA

CITY MANAGER'S REPORT

Update on Morgan Hill School Site Acquisition

CLOSED SESSION ANNOUNCEMENTS/CITY ATTORNEY'S REPORT

PUBLIC COMMENTS

Mayor Kennedy

The Morgan Hill City Council welcomes comments from all individuals on any agenda item being considered by the City Council. Please complete a Speaker Card and present it to the City Clerk. This will assist the Council Members in hearing your comments at the appropriate time. In the interest of brevity and timeliness and to ensure the participation of all those desiring an opportunity to speak, comments presented to the City Council are limited to Three Minutes. We appreciate your cooperation.

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS EVENINGS AGENDA.

LEGALLY NOTICED PUBLIC HEARINGS:

1. APPLICATION GPA-97-05: EAST DUNNE - D.W. INVESTMENTS (APN 728-02-003)

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution denying the General Plan Amendment request.

Should the Council wish to approve the request/amendment, then:

Action - Motion to approve the request and direct staff to prepare an approval resolution for Council adoption.

2. **GENERAL PLAN AMENDMENT APPLICATION GPA 97-06: HILL-GERA (APN 728-08-001)**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to adopt resolution denying the applicant's request.

Should the Council wish to approve the request/amendment, then:

Action - Motion to approve the request and direct staff to prepare an approval resolution for Council adoption.

3. **GENERAL PLAN AND ZONING AMENDMENT REQUEST GPA 97-07/ZA 97-17: TILTON AVE.-
MADRONE RANCH L.L.C.**

Recommended Action: Request staff presentation.

The Mayor will open the Public Hearing.

Please limit your remarks to 3 minutes. The Mayor will close the Public Hearing.

Council discussion.

Action - Motion to approve mitigated negative declaration.

Action - Motion to adopt resolution. approving General Plan amendment.

Action- Motion to waive the reading in full of the ordinance approving the Zoning Amendment;
Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

OTHER BUSINESS:

4. **MT. HOPE CEMETERY RENTAL AGREEMENT - REPEAL OF TWO CEMETERY ORDINANCES:
1) ESTABLISHING THE CEMETERY AND PERPETUAL CARE FUND AND 2) ESTABLISHING
REGULATIONS FOR CEMETERY OPERATIONS**

Recommended Action: 1) Approve the rental agreement - Mt. Hope Cemetery to Loewen Group International, Inc., 2)

Authorize the City Manager to execute all necessary documentation for the rental of the cemetery, and 3) Motion to waive the reading in full of the ordinance; Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

5. **TEMPORARY SUSPENSION OF PUBLIC ACCESS TELEVISION**

Recommended Action: Adopt the attached Resolution.

6. **CITY HALL LANDSCAPING IMPROVEMENTS**

Recommended Action: Direct staff to postpone the bidding and construction of the remainder of the landscape improvements at City Hall until a funding source for both the restoration and maintenance can be identified.

7. **REVIEW OF COMMERCIAL/INDUSTRIAL TRAFFIC IMPACT FEES**

Recommended Action: For City Council discussion and possible administrative direction at the request of Council Member Cook. Any possible action to increase the fee would require a public hearing with 45 day notice.

8. **CITY MANAGER EMPLOYMENT AGREEMENT RENEWAL PROCESS**

Recommended Action: At the request of Council Member Foster to appoint two members of the City Council to serve as a Sub-Committee to negotiate a new employment agreement. (Mayor to appoint with the concurrence by the Council.)

9. **INTRODUCTION OF ORDINANCE ADDING CHAPTER 2.68 OF THE MUNICIPAL CODE REGARDING
THE CREATION OF A LIBRARY COMMISSION**

Recommended Action: Motion to waive the reading in full of the ordinance; Motion to introduce ordinance by title only. Call for the question. The City Clerk will read the ordinance title and call the roll for the vote.

10. **COUNCIL COMMITTEES & COUNCIL APPOINTMENTS TO OUTSIDE AGENCIES**

Recommended Action: **Review and Revise as appropriate** City Council assignments to Council committees and outside agencies. (Mayor to appoint with concurrence by the Council.)

ROLL CALL VOTE:

The Roll Call Vote, Agenda Items #11 through #12 may be acted upon with one motion, a second and the roll call vote. The titles having previously been read, no second reading is required. (Government Code Section 36934)

11. **SECOND READING AND ADOPTION OF ORDINANCE NOS. 1369 & 1370, NEW SERIES**

ORDINANCE NO. 1369, N.S. -- An Ordinance of the City Council of the City of Morgan Hill approving a zoning amendment to establish a precise development plan for a 14-unit single family housing project on a 5.25 acre site located on the north side of East Dunne Avenue, east of Hill Road, across from Sorrel Way. (APN 728-02-01) and,

ORDINANCE NO. 1370, N.S. -- An Ordinance of the City Council of the City of Morgan Hill approving a development agreement with LJW Development, Inc. for a 14-unit single family residential development awarded allocations through the Residential Development Control System for Fiscal Year 1998-99. (APN 728-02-001).

12. **SECOND READING AND ADOPTION OF ORDINANCE NO. 1371, NEW SERIES** - An Ordinance of the City Council of the City of Morgan Hill governing Franchises granted by the City for Cable Television Systems and Telecommunications Systems and amending Chapter 5.20 of the Municipal Code.

CONSENT CALENDAR:

The Consent Calendar, Agenda Items #13 through #22 may be acted upon with one motion, a second and the vote.

13. **ACCEPT DONATION TO PURCHASE AND TRAIN A POLICE K-9**

Recommended Action: 1) **Accept** donation of \$8,200 from the Community Law Enforcement Foundation to purchase and train a replacement police K-9, and 2) **Appropriate** \$8,200 for the purchase and training of a replacement police K-9.

14. **FY 1996/1997 ANNUAL FISCAL REPORT OF THE REDEVELOPMENT AGENCY OF THE CITY OF MORGAN HILL**

Recommended Action: **Receive and File** the FY 1996/1997 Annual Report from the Morgan Hill Redevelopment Agency.

15. **NOVEMBER FINANCE AND INVESTMENT REPORT**

Recommended Action: **Accept and File** Report.

16. **RESIDENTIAL DEVELOPMENT CONTROL SYSTEM QUARTERLY REPORT**

Recommended Action: **Accept**, receive and file.

17. **AWARD OF CONSULTANT SERVICE CONTRACT FOR THE INSTALLATION AND MONITORING OF SANITARY SEWER FLOW METERING**

Recommended Action: **Award** contract to the firm of E2 Consulting Engineers for the installation and monitoring of flowmeters for the sanitary sewer system in the amount of \$29,338.

18. **RESOLUTION AUTHORIZING APPLICATION FOR TIRE RECYCLING GRANT PROGRAM**

Recommended Action: **Adopt** attached resolution authorizing staff to apply for Tire Recycling Grant.

19. **AUTHORIZE CITY MANAGER TO SIGN REIMBURSEMENT AGREEMENTS FOR STATE LOCAL PARTNERSHIP PROGRAM (STLPP)**

Recommended: **Authorize** City Manager to sign reimbursement agreements under the terms of the State Local Partnership

Program (STLPP) for Church Street Reconstruction, Dunne Avenue Reconstruction Phase II and Street Repair - 1997 Projects.

20. FINAL MAP ACCEPTANCE FOR SAINT JAMES PLACE (TRACT 9016)

Recommended Action: 1) **Approve** the final map and improvement plans, 2) **Authorize** the City Manager to sign the Subdivision Improvement Agreement on behalf of the City and 3) **Authorize** the recordation of the map and the Subdivision Improvement Agreement following recordation of the Development Improvement Agreement.

21. APPROVAL OF CONTRACT AMENDMENT FOR DESIGN OF EDMUNDSON WATER RESERVOIR

Recommended Action: **Approve** a contract amendment in the amount of \$27,4621 to Parsons Brinckerhoff to complete the preliminary design of the new Edmundson Water Reservoir.

22. APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 3, 1997

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

This Is an Opportunity for Members of the City Council to Request Items for Future Agendas.

Note: in Accordance with Government Code Section 54954.2(a), There Shall Be No Discussion, Debate And/or Action Taken on Any Request Other than Providing Direction to Staff to Place the Matter of Business on a Future Agenda.

CLOSED SESSION:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION:

Legal Authority:	Government Code Section 54956.9(a)
Title of Case:	<u>Parkland Equities v. City of Morgan Hill, City of Morgan Hill Redevelopment Agency, David Biggs, David Bischoff</u>
Case Number:	CV738152
Court:	Superior Court, County of Santa Clara, (currently before Sixth District Court of Appeals)
Parties:	Parkland Equities dba Parkland Properties; City of Morgan Hill; City of Morgan Hill Redevelopment Agency; David Biggs; David Bischoff
Subject of Litigation:	Auto mall dispute
Closed Session Topic:	Potential Settlement

CLOSED SESSIONS ANNOUNCEMENT:

ADJOURNMENT

FUTURE COUNCIL AGENDA ITEMS:

1. Update Report on City Council Goals
2. Pros & cons of Charter City
3. YMCA Contract
4. Live Entertainment Ordinance
5. Flood Ordinance Update
6. Accept Contract for Street Repairs

OPEN PUBLIC COMMENT PERIOD (3 MINUTES)

At **7:00 p.m.** following the opening of Council business, the public may present comments on items **NOT** appearing on the agenda that are within the Council's jurisdiction. Should your comments require Council action, your request will be placed on the next appropriate agenda. No Council discussion or action may be taken until your item appears on a future agenda. You may contact the City Clerk for specific time and dates. This procedure is in compliance with the California Public Meeting Law (Brown Act) G.C. 54950.5. Please limit your presentation to three (3) minutes.

SPEAKER CARDS

In accordance with Government Code 54953.3 it is not a requirement to fill out a speaker card in order to speak to the Council. However, it is very helpful to the Council if you would fill out the speaker card that is available on the counter in the Council Chambers. Please fill out a card and return it to the City Clerk. As your name is called by the Mayor, please walk to the podium and speak directly into the microphone. Clearly state your name and address and then proceed to comment on the agenda item. Please limit your remarks to 3 minutes.

NOTICE

AMERICANS WITH DISABILITY ACT (ADA)

The City of Morgan Hill complies with the Americans with Disability Act (ADA) and will provide reasonable accommodation to individuals with disabilities to ensure equal access to all facilities, programs and services offered by the City.

If assistance is needed regarding any item appearing on the City Council agenda, please contact the Office of the City Clerk at City Hall, 17555 Peak Avenue or call 779-7259 or (Hearing Impaired only - TDD 776-7381) to request accommodation.

NOTICE

Notice is given, pursuant to Government Code Section 65009, that any challenge of Agenda Items #1 through #3 in court, may be limited to raising only those issues raised by you or on your behalf at the Public Hearing described in this notice, or in written correspondence delivered to the City Council at, or prior to the Public Hearing on these matters.

NOTICE

The time within which judicial review must be sought of the action by the City Council which acted upon any matter appearing on this agenda is governed by the provisions of Section 1094.6 of the California Code of Civil Procedure.